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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

23 May 2005

Original: English

Note verbale dated 20 May 2005 from the Permanent Mission of Germany addressed to the Secretary-General of the Conference

The Permanent Mission of Germany to the United Nations presents its compliments to the Secretary-General of the Conference, and with reference to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), has the honour to request that the following German contribution submitted to the Preparatory Committee be circulated as a working paper of the Conference:

- Working paper on export control (NPT/CONF.2005/PC.III/WP.14) of 29 April 2004.

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Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

29 April 2004

Original: English

Third session
New York, 26 April-7 May 2004

Working paper on export controls submitted by Germany

The latest cases of nuclear proliferation have demonstrated that today one of the fundamental challenges to non-proliferation is the easy access to nuclear-capable dual-use technology and black market networks. One serious weakness that became apparent in this context are inadequate export controls. They greatly facilitate the job of nuclear proliferators. If they are allowed to continue unchecked they will undermine all other efforts of the State Parties to contain nuclear proliferation. Therefore, not to address this problem in a proper way would be highly negligent with the purpose of the Treaty.

In this context, the ratification of the Additional Protocol by all States Parties would represent a great leap forward since it gives the IAEA increased capabilities to monitor the trade with nuclear items. Germany regards Comprehensive Safeguards Agreements including the conclusion of an Additional Protocol as the safeguards standard that is demanded by Art. III of the Non-Proliferation Treaty. Therefore, we call upon all States Parties to conclude, ratify and implement as soon as possible an Additional Protocol.

The other lesson that needs to be drawn from these latest findings is that we need a sustained and concerted effort to set up and maintain in all states a minimum standard of export controls.

As a first step the IAEA, in cooperation with the States Parties, could take upon itself to define the minimum standard of export controls in the nuclear field that is necessary to achieve the non-proliferation goals of the NPT. The Treaty already demands export controls in Art III.2. However, those are restricted to nuclear items. They do not cover items that can be used in the nuclear and non-nuclear fields. After the lessons learned in the 1990s we believe any up-to-date minimum standard of export control must address the question of those "dual-use" items as well.

As a second step the IAEA should take an active role in enhancing nuclear export controls in NPT member states. At the request of a country or upon a proposal of the IAEA Secretariat accepted by the country the IAEA would send an expert team to this country to see if there is a

possibility to improve export controls measured against the common minimum standard. Taking up the idea and format of the IPPAS missions, the expert team could consist of national export control experts financed by their home countries. The team would make a confidential report to the Secretariat and the country. The report shall contain the results of the analysis and, if appropriate, recommendations how to improve nuclear export controls. The Secretariat would then cooperate with the country to enhance its export controls.

IAEA assistance in enhancing nuclear export controls should be open to all IAEA member States. We would call on all States to make adequate use of the IAEA assistance.

The Third PrepCom is requested to recommend to the 2005 Review Conference that this proposal is reflected in the results of Review Conference.